



FACT SHEET ON TELEPHONE COMMUNICATIONS

Amendments to the City's Election Campaign Control Ordinance, effective on October 7, 2004, include new City laws regarding telephone communications made to support or oppose a City candidate or ballot measure. This fact sheet is designed to help candidates and committees gain a better understanding of these new laws, but should not be considered a substitute for the actual statute (San Diego Municipal Code section 27.2971).

- A candidate or committee that pays for telephone calls to more than 500 individuals or households in an election cycle for the purpose of supporting or opposing a City candidate or ballot measure must include in the telephone communication the words "paid for by" immediately followed by the name of the candidate or committee paying for the call.
- A call is subject to the "paid for by" requirements if a reasonable person would conclude that the call was intended to support or oppose a City candidate or ballot measure.
- The "paid for by" statement must be clearly audible, and at the same volume and speed as the rest of the call.
- If the communication is paid for by a candidate-controlled committee, then the name of the candidate must be included in the "paid for by" disclosure.
- All calls made to support or oppose a single candidate or measure count toward the 500-call threshold, even if the call is answered by a machine or the person answering the call hangs up the telephone before the message is communicated.
- All calls made to support or oppose a single candidate or ballot measure count toward the 500-call threshold, even if a different message is communicated on different occasions during an election cycle.

- For purposes of the 500-call threshold, calls made to oppose a candidate are combined with calls made to support the candidate's opponent.
- The candidate or committee paying for the communication must maintain a transcript of the message communicated as well as a record of the number of calls made for each message.
- If two committees pool resources for telephone communications, then the information for both committees must be included in the "paid for by" disclosure. (Note that candidate-controlled committees may not pool resources with other committees.)
- If a telephone communication includes the "paid for by" disclosure, it is not necessary to also indicate that the communication was "not authorized by" a candidate or committee.
- Except for a candidate's controlled committee, a committee may not conduct or commission a phone bank at the behest of a candidate. (This would constitute an in-kind contribution; local law prohibits contributions to candidates from committees and other types of organizations.)
- The Ethics Commission does not regulate the content of telephone communications (i.e., it has no control over false or misleading information).

For additional information, please contact the Ethics Commission at (619) 533-3476.

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